- therefore a rebuttable presumption against the defendant's release based upon both dangerousness and flight risk, under Title 18 U.S.C. § 3142(e).
- (2) The defendant is viewed as a risk of danger due to the nature of the instant offense and his criminal history. He is currently serving a 26month sentence in the Washington State Department of Corrections on Violation of the Uniform Controlled Substance Abuse Act and firearm charges. His anticipated of release is May or June 2007.
- (3) Defendant is viewed as a risk of nonappearance as he has a history of failing to comply with Court orders and terms of supervision on release.
- (4) Defense counsel stipulated to detention.

Thus, there is no condition or combination of conditions that would reasonably assure future court appearances.

It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentences, or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the correctional facility in which Defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The clerk shall direct copies of this order to counsel for the United

States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 26th day of April, 2007.

MONICA J. BENTON

United States Magistrate Judge

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